HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.4834 of 2007

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Between:

Smt. V. Vijayalakshmi

…Petitioner.

And

Income Tax Officer,
Hyderabad & others.

….Respondents.

:: O R D E R ::

Counsel for the petitioner : Shri D. Srinivas

Counsel for the respondents : Shri S.R.Ashok

22.03.2007

Per G.S. SINGHVI, C.J.

This petition is directed against order dated 12.02.2007 passed by Additional Commissioner of Income Tax, Range-7, Hyderabad vide

which he rejected the petitioner's prayer for stay of the demand of tax amounting to Rs.8,12,891/- for the assessment year 2004-05.

After arguing the case for some time and on being pointed out by the Court that in the absence of any perversity in the exercise of discretion by the competent authority, this Court would not interfere with the order passed by the competent authority, learned counsel for the petitioner made a request that his client may be permitted to apply for fixation of installments.

Shri S.R. Ashok, learned Standing Counsel for Income Tax says that if the petitioner appears before the Appellate Authority ie. Additional Commissioner of Income Tax, Range-7, Hyderabad on 26.03.2007, her request for fixation of the installments will be considered and disposed of within next three days.

In view of the statements made by the learned counsel for the parties, the writ petition is disposed of in the following terms:

1) the petitioner's prayer for quashing order dated 12.02.2007 is declined;
2) the petitioner shall appear before the Additional Commissioner of Income Tax, Range-7, Hyderabad on 26.03.2007 between 11.00 a.m. and 12.00 noon and make a written request for fixation of the installments; and
3) within three days of the submission of the application, the competent authority shall pass appropriate order fixing the installments of tax payable by the petitioner.

While disposing of the writ petition in the manner indicated above, we deem it proper to make it clear that the amount deposited by the petitioner in terms of the demand created by the competent authority shall remain subject to final adjudication of the appeal.

As a sequel to disposal of the writ petition, W.P.M.P.No.6194 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, C.J.

C.V.NAGARJUNA REDDY, J.

22.03.2007
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